United Nations S/2013/308

Security Council

Distr.: General
23 May 2013

Original: English

Letter dated 23 May 2013 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, addressed to the President of the Security Council

I am pleased to transmit herewith the assessments of the President (see annex I) and of the Prosecutor (see annex II) of the International Tribunal for the Former Yugoslavia, pursuant to paragraph 6 of Security Council resolution 1534 (2004).

I should be grateful if you would transmit these assessments to the members of the Security Council.

(*Signed*) Theodor **Meron**
President

13-34513 (E) 050613

Please recycle

Annex I

[Original: English and French]

Assessment and report of Judge Theodor Meron, President of the International Tribunal for the Former Yugoslavia, provided to the Security Council pursuant to paragraph 6 of Security Council resolution 1534 (2004), and covering the period from 16 November 2012 to 23 May 2013

Contents

		Page
I.	Introduction	4
II.	Measures taken to implement the completion strategy	5
	A. Trial proceedings	6
	B. Contempt proceedings	8
	C. Appeal proceedings	8
	D. Access decisions	10
III.	Retention of staff	11
IV.	Referral of cases	11
V.	Outreach	11
VI.	Victims and witnesses	13
VII.	Cooperation of States	13
VIII.	Registry activities	14
	A. Support for core judicial activities	14
	B. Activities related to the International Residual Mechanism for Criminal Tribunals	14
	1. Transfer of functions from the Tribunal to the Residual Mechanism	14
	2. Regulatory framework of the Residual Mechanism	14
	3. Premises and host State agreement	15
	4. Information security and access regime for Tribunal and Residual Mechanism records	15
	5. Development of retention and record-keeping policies	15
	6. Preparation of records for migration to the Residual Mechanism	15
	7. Administrative support provided to the Residual Mechanism	16
	C. Budget for 2014-2015	16
	D. Downsizing	17

E. Enforcement of sentences 17
F. Information centres 17
IX. Legacy and capacity-building 18
X. Conclusion 18

1. The present report is submitted pursuant to Security Council resolution 1534 (2004), adopted on 26 March 2004, in which the Council, in paragraph 6, requested the International Tribunal for the Former Yugoslavia to provide to the Council, by 31 May 2004 and every six months thereafter, assessments by its President and Prosecutor, setting out in detail the progress made towards implementation of the completion strategy of the Tribunal, explaining what measures have been taken to implement the completion strategy and what measures remain to be taken, including the transfer of cases involving intermediate and lower rank accused to competent national jurisdictions.[1]

2. This report also includes a summary of the measures that the Tribunal is undertaking to ensure a smooth transition to the International Residual Mechanism for Criminal Tribunals.

I. Introduction

3. At the close of the reporting period, 12 individuals are on trial and 13 are in appeal proceedings. Following the arrests of Ratko Mladić and Goran Hadžić in 2011, there are no outstanding fugitives. To date, the Tribunal has concluded proceedings against 136 of the 161 individuals indicted. The Tribunal anticipates concluding all trials during 2013, except for those of Radovan Karadžić, Ratko Mladić and Goran Hadžić, who were arrested later than the other accused.

4. During the reporting period, trial proceedings and drafting of trial judgements were under way in nine cases. The continued progress in the 14 trial and appeal cases under way during the reporting period was made possible by the assignment of judges and staff to multiple cases.[2] Three trial judgements, two appeal judgements and one contempt appeal judgement were rendered. Scheduling orders setting the dates of delivery for three additional trial judgements were filed during the reporting period.

5. Appeals from five trial judgements involving 13 appellants are currently pending before the Appeals Chamber. In addition, the Appeals Chamber is seized of one appeal from a judgement of acquittal entered after the close of the prosecution's case under the aegis of rule 98 bis of the Rules of Procedure and Evidence of the Tribunal. The judges of the Appeals Chamber also remained fully engaged in hearing appeals from trial judgements of the International Criminal Tribunal for Rwanda, rendering one appeal judgement and hearing oral arguments in two additional cases during the reporting period.

6. The large number of judgements rendered during the reporting period demonstrates the Tribunal's success in completing its mandate. However, significant challenges remain as the Tribunal conducts its final trials and appeals. As a general

[1] The present report should be read in conjunction with the previous 18 reports submitted pursuant to Security Council resolution 1534 (2004): S/2004/420 of 24 May 2004; S/2004/897 of 23 November 2004; S/2005/343 of 25 May 2005; S/2005/781 of 14 December 2005; S/2006/353 of 31 May 2006; S/2006/898 of 16 November 2006; S/2007/283 of 16 May 2007; S/2007/663 of 12 November 2007; S/2008/326 of 14 May 2008; S/2008/729 of 24 November 2008; S/2009/252 of 18 May 2009; S/2009/589 of 13 November 2009; S/2010/270 of 1 June 2010; S/2010/588 of 19 November 2010; S/2011/316 of 18 May 2011; S/2011/716 of 16 November 2011; S/2012/354 of 23 May 2012; and S/2012/847 of 19 November 2012. Except where otherwise noted, this report contains information accurate at 15 May 2013.

[2] Where a case was in both trial and appeal stages, it has been counted only once.

matter, the Tribunal's trials and appeals continue to be affected by the loss of highly experienced staff members. This challenge has the potential to delay the judgement completion dates set out in the present report.

7. In addition, as the Tribunal moves towards the completion of its mandate, its judicial activity centres increasingly on appeals, sharply increasing the workload of the Appeals Chamber. The Tribunal foresaw and planned for the shift from trial to appeal work by proposing the redeployment of four permanent trial judges to the Appeals Chamber, an approach that was endorsed by the Security Council in its resolution 1877 (2009). However, owing to the late arrest of certain accused, the Tribunal has not, to date, been able to redeploy any Tribunal trial judges to the Appeals Chamber. It is currently anticipated that only Judge Antonetti will be available for redeployment following the delivery of the judgement in the *Šešelj* case in October 2013. The multitude of cases being assigned to each Appeals Chamber judge, along with the complexity of the appeals, particularly those involving multiple accused, will impact the ability of the Appeals Chamber to complete its work as expeditiously as possible. This matter is the subject of ongoing consideration by the Security Council Informal Working Group on International Tribunals.

8. Effective 31 May 2013, Appeals Chamber Judge Andrésia Vaz is resigning from the Tribunal. The President of the Tribunal would welcome a replacement for Judge Vaz, since her departure will increase the already considerable workload of Appeals Chamber judges.

9. The Tribunal has completed transfers of low- and mid-level accused from its trial docket in accordance with Security Council resolution 1503 (2003).

10. During the reporting period, the Tribunal undertook a variety of initiatives aimed at providing assistance and support to victims and pursued a number of legacy and capacity-building projects. The outreach programme continued its efforts to bring the work of the Tribunal closer to communities in the former Yugoslavia. The Tribunal also worked diligently to ensure a smooth transition to the International Residual Mechanism for Criminal Tribunals.

II. Measures taken to implement the completion strategy

11. Over the past few years, the Tribunal has altered its procedures in a number of ways in order to expedite its work. These reforms have included expediting translations; distributing work among judges more equally by placing ad litem judges on benches hearing contempt cases not ancillary to proceedings to which they were assigned; beginning preparations for judgement drafting during trials at an early stage; obtaining a waiver from the Department of Management of the United Nations Secretariat allowing the Tribunal to hire otherwise qualified interns directly, without having to wait six months following the termination of their internship; and maintaining rosters of qualified applicants to ensure that departing staff can be replaced promptly.

12. In addition to those efforts, the working group on trial and appeal schedules closely monitors the progress of trials and appeals, identifying obstacles that could delay judicial proceedings and allowing best practices to be shared. Complementing those efforts, the President conducts individual meetings with drafting team leaders

and judges, seeking ways he can best assist in overcoming obstacles to the expeditious completion of trials and appeals.

13. As additional illustration of the steps taken by the Chambers to guarantee that proceedings are conducted in a manner that is both expeditious and fair, brief summaries of cases currently before the Tribunal are provided below. Where previously reported projections for judgement delivery have been revised, the factors that led to that revision are set out.

A. Trial proceedings

14. The trial judgement in the case of *Prosecutor v. Ramush Haradinaj et al. (Case No. IT-04-84bis-T)* was delivered on 29 November 2012. All of the accused were fully acquitted.

15. The trial judgement in the case of *Prosecutor v. Zdravko Tolimir* was delivered on 12 December 2012. Mr. Tolimir was found guilty of genocide and conspiracy to commit genocide; extermination, persecutions and inhumane acts through forcible transfer as crimes against humanity; and murder as a violation of the laws or customs of war. He was sentenced to life imprisonment.

16. The trial judgement in the case of *Prosecutor v. Mićo Stanišić and Stojan Župljanin* was delivered on 27 March 2013. Mr. Stanišić was found guilty of persecution as a crime against humanity and of murder and torture as violations of the laws or customs of war. He was sentenced to 22 years of imprisonment. Mr. Župljanin was found guilty of persecution and extermination as crimes against humanity and of murder and torture as violations of the laws or customs of war. He was sentenced to 22 years of imprisonment.

17. In the case of *Prosecutor v. Jadranko Prlić et al.*, a scheduling order was issued announcing that the trial judgement would be delivered on 29 May 2013. This delivery date is two months later than previously forecast.

18. Delay in delivery of the trial judgement is attributable to two factors. The first factor is the workload of the judges and legal staff. Several judges and the former senior legal officer on the case were concurrently assigned to other trials and therefore prevented from concentrating all of their efforts on judgement drafting for this case. In particular, during the reporting period, Presiding Judge Jean-Claude Antonetti also served as the presiding judge on the *Šešelj* trial bench, while Judge Antoine Kesia-Mbe Mindua also serves as a judge on the *Hadži* trial bench and served on the *Tolimir* trial bench. Second, staff attrition in this case has been particularly severe. Since the beginning of the trial, there have been four different senior legal officers assigned to the case in succession, as well as five different legal officers. In May 2012, a newly recruited associate legal officer joined the team and needed time to become familiar with the extensive trial record. In February 2013, the senior legal officer, who had worked on the *Prlić et al.* case for nearly six years, resigned. This resulted in a significant increase in the team's workload at the most critical stage of the drafting process.

19. The current expected delivery date in this case is based on the advanced stage of deliberations and judgement drafting.

20. In the case of *Prosecutor v. Jovica Stanišić and Franko Simatović*, a scheduling order was issued announcing that the trial judgement would be delivered on 30 May 2013. This delivery date is two months later than previously forecast.

21. Delay in delivery of the trial judgement is due to the extensive rebuttal and rejoinder motions filed by the parties, along with certain unexpected complexities that emerged during deliberations.

22. The current expected delivery date for the trial judgement is based on the advanced stages of deliberations and judgement drafting.

23. In the case of *Prosecutor v. Vojislav Šešelj*, a scheduling order was issued announcing that the trial judgement would be delivered on 30 October 2013. This delivery date is three months later than previously forecast.

24. Delay in delivery of the trial judgement is due to a number of factors. These include staff attrition, in particular the departure in February 2013 of the senior legal officer assigned to this case. Although the Tribunal has recruited a replacement, this individual has required several months to become fully familiar with the case. Similarly, a P-3 legal officer departed in November 2012. The replacement has required several months to become fully familiar with relevant facts of the trial record. In addition, all judges on the bench concurrently served on other trials. In particular, during the reporting period, Presiding Judge Antonetti also served as the presiding judge on the *Prlić et al.* trial bench; Judge Frederik Harhoff served on the *Stanišić and Župljanin* trial bench; and Judge Flavia Lattanzi served as the reserve judge on the *Karadžić* trial bench.

25. The judges and legal support team have taken a variety of measures to expedite the preparation of the trial judgement, including the reassignment of additional legal staff members to assist in judgement drafting.

26. In the case of *Prosecutor v. Goran Hadžić*, the accused is charged with 14 counts of crimes against humanity and violations of the laws or customs of war. The trial commenced on 16 October 2012 and the trial judgement is expected in December 2015, as previously forecast.

27. In the case of *Prosecutor v. Radovan Karadžić*, the accused is charged with 11 counts of genocide, crimes against humanity and violations of the laws or customs of war. The trial's projected time frame has been revised, and the trial judgement is now expected in July 2015, seven months later than previously anticipated.

28. Delay in the expected delivery date of the trial judgement is due to a number of factors. In particular, the prosecution has used more time on cross-examination than expected. Because the Defence witnesses' testimony has lasted longer than anticipated, the turnover of defence witnesses and the pace of the trial have led, on occasion, to courtroom time being lost due to difficulties in witness scheduling. In addition, administrative and non-testimony-related matters arising from the case are also taking more time than was originally forecast, reducing the amount of courtroom time that can be devoted to hearing evidence. More broadly, the complexity and volume of ancillary litigation taking place during the defence phase of the case has made it difficult for the legal drafting team to make as much progress in judgement preparation as expected. Lastly, given the complexity of the case, the Trial Chamber considers that the parties will require more time to prepare their final briefs and closing arguments than originally estimated.

29. The judges and legal support team are taking a variety of measures to expedite the preparation of the trial judgement, including the reassignment of two additional staff members to join the team. In addition, the Trial Chamber is closely monitoring time limits imposed on cross-examination to ensure that they are adhered to.

30. In the case of *Prosecutor v. Ratko Mladić*, the accused is charged with 11 counts of genocide, crimes against humanity and violations of the laws or customs of war. The trial judgement is expected in July 2016, as previously forecast.

31. As the above summary of ongoing trials indicates, the Tribunal will not be able to complete the trial proceedings involving Mr. Karadžić, Mr. Mladić and Mr. Hadžić by 31 December 2014, the date for completion indicated by the Security Council in its resolution 1966 (2010). In these three cases, the delayed arrests of the indicted individuals has made it impossible to meet the deadlines requested by the Security Council, despite the Tribunal's best efforts.

B. Contempt proceedings

32. The Tribunal's trial schedule continued to be disrupted by the need to prosecute alleged acts of contempt; however, the Tribunal is taking what measures it can to ensure that all contempt cases are concluded as quickly as possible without affecting ongoing trials.

33. The contempt appeal judgement in the case of *Prosecutor v. Vojislav Šešelj (Case No. IT-03-67-R77.3-A)* was delivered on 28 November 2012, granting two of the amicus Prosecutor's grounds of appeal and dismissing two other grounds of appeal filed by the amicus Prosecutor. The contempt appeal judgement affirmed Mr. Šešelj's sentence of 18 months of imprisonment.

34. In the case against *Radislav Krstić (Case No. IT-95-5/18-R77.3)*, the Trial Chamber is prosecuting Mr. Krstić for his refusal to testify in the *Karadžić* case. The Trial Chamber issued an order in lieu of an indictment on 27 March 2013, and Mr. Krstić's initial appearance took place on 4 April 2013. The trial is scheduled to commence on 28 May 2013.

35. In the case of *Prosecutor v. Vojislav Šešelj (Case No. IT-03-67-R77.4-A)*, the projected time frame of the case has been revised and the contempt appeal judgement is now expected in June 2013, five months later than previously anticipated.

36. Delay in delivery of the contempt appeal judgement is a function of the deliberation process of the judges.

37. The judges and legal support team are taking a variety of measures to minimize the delays in the preparation of the contempt appeal judgement, including prioritizing the speedy review and implementation of judges' comments.

C. Appeal proceedings

38. The appeal judgement in the case of *Prosecutor v. Milan Lukić and Sredoje Lukić* was delivered on 4 December 2012. The appeal judgement granted certain grounds of appeal raised by Milan Lukić and Sredoje Lukić, and dismissed or declared moot the prosecution's grounds of appeal. The Appeals Chamber affirmed

Milan Lukić's sentence of life imprisonment, and reduced Sredoje Lukić's sentence from 30 to 27 years of imprisonment.

39. The appeal judgement in the case of *Prosecutor v. Momčilo Perišić* was delivered on 28 February 2013, reversing all of Mr. Perišić's convictions.

40. In the case of *Prosecutor v. Vlastimir Đorđević*, the projected time frame for delivery of the appeal judgement has been revised and the appeal judgement is now expected in December 2013, two months later than previously anticipated. An appeal hearing was held on 13 May 2013.

41. Delay in delivery of the appeal judgement is caused by the replacement of a judge on the bench owing to her resignation from the Tribunal, the heavy workload of the Appeals Chamber judges and complexities identified during the drafting of the preparatory document.

42. The judges and legal support team are taking a variety of measures to minimize the delays in the preparation of the appeal judgement. These include the temporary reassignment of staff from other cases where their working schedules so allow.

43. In an appeal by the prosecution pursuant to rule 98 bis of the Tribunal's Rules of Procedure and Evidence in the case of *Prosecutor v. Radovan Karadžić (Case No. IT-95-5/18-AR98bis.1)*, an appeal hearing was held on 17 April 2013. Based on the complexity of the issues raised, the appeal judgement is not expected until July 2013.

44. In the case of *Prosecutor v. Vujadin Popović et al.*, the projected time frame for delivery of the appeal judgement has been revised and the appeal judgement is now expected in October 2014, three months later than previously anticipated.

45. Delay in delivery of the appeal judgement is caused by complexities in the case that require additional preparations and review by the judges prior to the appeal hearing. One unexpected complexity involved the appellant Milan Gvero. After health concerns initially precluded his participation in the case on appeal, he was subsequently found fit to participate in appellate proceedings. However, after submitting a notice of appeal and appeal brief, he passed away. The appellate proceedings were then terminated in his regard. The changing nature of Mr. Gvero's participation in the appeal repeatedly forced the drafting team to reorganize its work and resulted in multiple time-consuming alterations to the preparatory document.

46. The judges and legal support team are taking a variety of measures to expedite the preparation of the appeal judgement. These measures include coordinating the team's work on related grounds of appeal and ensuring consistency in the drafting of sections of the preparatory document; monitoring new Appeals Chamber jurisprudence and incorporating relevant developments into drafts in a timely manner; and marking references to confidential material to facilitate the protection of such material in the appeal judgement. In addition, motions for the admission of additional evidence on appeal are analysed and decided at the most appropriate stage of the case, taking into account the efficient use of staff resources. In order to pre-empt a possible organizational delay in the review of the preparatory document by the bench, the Appeals Chamber has coordinated with the Conference and Language Services Section to ensure that the French translation of the *Popović et al.* trial judgement will be available for the francophone judge on the bench.

47. In the case of *Prosecutor v. Nikola Šainović et al.*, the projected time frame for delivery of the appeal judgement is unchanged and the appeal judgement is expected in December 2013. An appeal hearing was held over several days in March 2013.

48. In the case of *Prosecutor v. Mićo Stanišić and Stojan Župljanin*, Mr. Stanišić, Mr. Župljanin and the prosecution have filed notices of appeal. The appeal judgement is expected to be delivered in April 2015. This forecast is based on issues arising from analysis of the trial judgement and the notices of appeal, as well as comparisons to similarly sized cases. In estimating the time needed to complete this appeal, the distinct grounds and subgrounds of appeal and the need to address motions that may arise before and after the appeal hearing have been taken into account.

49. In the case of *Prosecutor v. Zdravko Tolimir*, Mr. Tolimir has filed a notice of appeal. The appeal judgement is expected to be delivered in March 2015. This forecast is based on issues arising from analysis of the trial judgement and Mr. Tolimir's notice of appeal, as well as comparisons to similarly sized cases. In estimating the time needed to complete this appeal, the distinct grounds and subgrounds of appeal, the complications inherent to judicial proceedings where an appellant is self-represented, and the need to address motions that may arise before and after the appeal hearing have been taken into account.

50. During the reporting period, the Appeals Chamber of the International Criminal Tribunal for Rwanda delivered one judgement, in the case of *Justin Mugenzi and Prosper Mugiraneza v. The Prosecutor*. The Appeals Chamber also held appeal hearings in the cases of *Augustin Ndindiliyimana et al. v. The Prosecutor* and *Grégoire Ndahimana v. The Prosecutor*.

51. Despite the Tribunal's continuing efforts, it is currently anticipated that, as forecast in both the Tribunal's report to the Security Council of November 2012 (S/2012/847) and in the appeal chart contained in enclosure VI of the present annex, the Tribunal will have difficulty in completing the appeals in the *Tolimir* and *Stanišić and Župljanin* cases and any appeals in the *Prlić et al.* case by 31 December 2014, as requested by the Security Council in its resolution 1966 (2010). Appeals in the cases of *Tolimir* and *Stanišić and Župljanin* are anticipated to be completed by March and April 2015 respectively. However, if any appeals in the multi-accused *Prlić et al.* case are filed prior to 1 July 2013, this case will fall under the jurisdiction of the Tribunal and the appeals are unlikely to be completed prior to June 2017. Accordingly, the Appeals Chamber of the Tribunal will function concurrently with the Appeals Chamber of the International Residual Mechanism for Criminal Tribunals after 31 December 2014. If an appeal from the *Prlić et al.* case comes under the jurisdiction of the Tribunal, this concurrent functioning of Appeals Chambers will continue for a substantial period of time. Appeals in the *Hadžić*, *Karadžić*, *Mladić* and *Šešelj* cases, if any, will be filed after 1 July 2013 and will therefore fall to the Residual Mechanism, pursuant to Council resolution 1966 (2010).

D. Access decisions

52. The bench constituted to decide requests for access to confidential information for use in national proceedings under rules 75 (G), 75 (H) and 75 bis of the Tribunal's Rules of Procedure and Evidence continued to function in an efficient manner, rendering four decisions during the reporting period.

III. Retention of staff

53. Staff attrition and staff shortages pose major obstacles to the expeditious completion of the Tribunal's work and have the potential to undermine other reforms. The Tribunal has taken a number of measures to address those challenges, including the use of a roster system and in-house incentives such as compensation time. However, these measures have been insufficient to prevent staff attrition.

54. The Tribunal has made specific requests for assistance in addressing staff attrition, including the creation of a United Nations-wide task force to provide opportunities for downsized Tribunal staff in other United Nations entities; the adoption of an end-of-service grant, as recommended by the International Civil Service Commission, for staff separating from the Tribunal on completion of their contracts; allowing Tribunal staff to be considered for conversion to permanent contracts; a retention incentive for staff; and the right to directly recruit interns to fill vacant P-2 posts. However, only the latter measure has been authorized.

55. The Tribunal is fully cognizant of the difficult financial circumstances facing the United Nations. However, the staff retention measures proposed by the Tribunal would cost comparatively little and would result in overall cost savings and efficiency gains. Member State support for future Tribunal proposals with respect to staff retention will be critical to ensuring that the forecasted trial and appeal completion dates contained in the present report are met.

IV. Referral of cases

56. Between 2005 and 2007, the Tribunal referred a total of eight cases, involving 13 accused of intermediate or lower rank, to national jurisdictions in accordance with Security Council resolutions 1503 (2003) and 1534 (2004). This significantly reduced the overall workload of the Tribunal, making it possible to bring the cases of the most senior leaders to trial as early as possible. The referral of these cases to national jurisdictions also aided in improving the Tribunal's relationship with national judiciaries in the former Yugoslavia and in strengthening the capacity of those jurisdictions in the prosecution of violations of international humanitarian law, thus reinforcing the rule of law in these new nations.

57. The decisions on referral of cases were made by a specially appointed referral bench, followed by appeals against the referral decisions in some cases. As a result, 10 accused were transferred to Bosnia and Herzegovina, 2 to Croatia and 1 to Serbia. Requests for the referral of four accused were denied due to the level of responsibility of the accused and the gravity of the crimes charged. No cases eligible for referral, as per the seniority criteria set by the Security Council, remain before the Tribunal.

58. With respect to the 13 persons transferred to national jurisdictions, proceedings against 12 have been concluded. The last individual, Vladimir Kovačević, was determined not fit to stand trial by the Serbian judiciary in December 2007.

V. Outreach

59. Working with a wide range of interlocutors throughout the former Yugoslavia, the outreach programme continued to deliver factual and accessible information

about the Tribunal's work. The outreach programme also worked to facilitate debate in the former Yugoslavia about the Tribunal's legacy and broader issues of transitional justice. The large number of judgements issued by the Tribunal during the reporting period served as an important context for outreach activities. The Tribunal's Media Office ensured that journalists had access to accurate, up-to-date information on judicial activities and as well as audiovisual material for use in their reports.

60. In February 2013, the Tribunal's outreach programme launched the second part of its youth information project, generously supported by the Government of Finland. Under the aegis of this project, presentations have been held in high schools and universities in Bosnia and Herzegovina and Croatia and in universities in the former Yugoslav Republic of Macedonia and Montenegro. These presentations allow the Tribunal to reach out to young people across the region and provide information about the Tribunal's mandate while increasing awareness of broader issues of transitional justice and post-conflict reconstruction. In addition, the second in a series of documentaries produced in-house by the outreach programme, "Crimes before the ICTY: Prijedor", premiered in April 2013. The documentary depicts the Tribunal's work with respect to crimes committed in the municipality of Prijedor in Bosnia and Herzegovina.

61. After the closure of the Pristina and Zagreb field offices at the end of 2012, in line with the Tribunal's completion strategy, the Tribunal's field offices in Belgrade and Sarajevo continued liaison and outreach work in their respective countries. Together, these offices organized approximately 30 outreach events. In addition, the Tribunal welcomed thousands of visitors from all over the world, including countries of the former Yugoslavia.

62. During the reporting period, the Tribunal expanded its presence on social media platforms. On average, 40 per cent of visits to its sites are from the former Yugoslavia. The Tribunal's Twitter account has continued to grow in popularity, adding hundreds of additional followers, and its YouTube channel remains popular, with over 600,000 views per year. The Tribunal's website remains a key outreach and legacy tool. During the reporting period, more than 2,000,000 pages were accessed from all regions of the world, with 21.5 per cent of views originating from the former Yugoslavia. In addition, significant Tribunal activities were reported on the Tribunal's Facebook page.

63. The outreach programme continues to face funding challenges. Resources to support the 2013-2014 programme were secured in extremis from a new European Union financing source, but this funding is guaranteed for only 12 months. These funding challenges reflect the difficulty of maintaining stable programming when funds for all outreach activities must be raised independently, separate from general funding for the Tribunal. The Tribunal's outreach programme will continue its fundraising efforts, while underlining the importance of General Assembly resolution 65/253, in which the Assembly encouraged the Secretary-General to continue to explore measures to raise voluntary resources for the outreach programme. The Tribunal calls upon States and other donors to continue and increase support for outreach activities.

VI. Victims and witnesses

64. During its 20 years of operation, the Tribunal has facilitated travel and support for over 7,650 witnesses and accompanying persons from all over the world, including diverse and remote locations within the former Yugoslavia, who have been called to appear before the Tribunal. Without the courage of these witnesses in stepping forward and giving evidence, there would be no trials and impunity would reign. Still, many witnesses have experienced a range of difficulties resulting from their testimony before the Tribunal, and the Tribunal's resources are simply incapable of meeting all of their needs. Many witnesses have already endured suffering and loss as a result of the conflicts in the former Yugoslavia and continue to require various forms of support. The Victims and Witnesses Section of the Tribunal has provided extensive logistical and psychosocial support to witnesses in The Hague and other locations, addressing diverse needs relating to age, medical conditions, psychosocial well-being and issues relating to travel and the testimony process.

65. The large number of witnesses called in the *Karadžić* trial has placed heavy demands on the operational and support services of the Victims and Witnesses Section. In addition, an increased number of detained individuals have been called to serve as witnesses in ongoing trials. Detained witnesses are either convicted by national courts or are individuals convicted by the Tribunal who are serving their sentences in various enforcement States. The legal and logistical support required to transfer detained witnesses to the Tribunal is significant and requires engagement with national authorities, immigration entities and counter-terrorism agencies.

66. As the Tribunal works towards the completion of its activities, it continues to face challenges in relation to the relocation of witnesses. In addition, as the Tribunal nears the completion of its mandate, the number of requests from national authorities pursuant to rule 75 (H) of the Tribunal's Rules of Procedure and Evidence has increased. In accordance with rule 75, the Victims and Witnesses Section is required to consult protected witnesses prior to the rescission, variation or augmentation of protective measures and file responses to the relevant Chamber. Simultaneously, the Section also receives a substantial number of requests pursuant to rule 75 (G) from parties in active trials before the Tribunal, also requiring witness consultation and filings in response. These requests for assistance and resulting consultations put a strain on the Section's resources, especially in the context of staff downsizing.

67. The Victims and Witnesses Section assisted with the development of the Residual Mechanism's framework for the provision of support and protection services to victims and witnesses, which was adopted prior to the establishment of the Arusha branch and will apply equally to The Hague branch. Preparations for the transfer of the witness protection function to the Residual Mechanism are ongoing. The Victims and Witnesses Section will ensure that witnesses and relevant State authorities are informed in that regard.

VII. Cooperation of States

68. There are no outstanding fugitives. This milestone is the result of years of effort by States and the Prosecutor to locate and transfer fugitives to the jurisdiction of the Tribunal.

VIII. Registry activities

A. Support for core judicial activities

69. The Registry's first priority during the reporting period was to provide full support to the Tribunal's ongoing judicial activities, thereby assisting the Tribunal in reaching its completion targets. The Court Management and Support Services Section, the Conference and Language Services Section, the Office for Legal Aid and Detention, the United Nations Detention Unit and the Victims and Witnesses Section all continued streamlining operations to ensure the most efficient and effective support to the judges and the Prosecutor.

B. Activities related to the International Residual Mechanism for Criminal Tribunals

70. In accordance with Security Council resolution 1966 (2010), preparations for the inauguration of the Hague branch of the Residual Mechanism on 1 July 2013 are ongoing.

71. Set out below is a summary of the work that has been or is being undertaken to prepare for the completion of the Tribunal's work and for the transfer of the Tribunal's remaining responsibilities to the Residual Mechanism.

1. Transfer of functions from the Tribunal to the Residual Mechanism

72. On 1 July 2012, the Tribunal transferred the records and archives management function to the Residual Mechanism. The Mechanism Archives and Records Section assumed responsibility for the Tribunal's central records centre, which contains approximately 600 linear metres of non-judicial records from all organs of the Tribunal.

73. In accordance with the transitional arrangements set out in annex II to Security Council resolution 1966 (2010), the Tribunal is currently preparing for the transfer to the Residual Mechanism of certain judicial and prosecutorial functions, as well as other functions of the Tribunal, including the supervision of enforcement of sentences, assistance requests by national authorities, and the protection of victims and witnesses in closed cases and in cases where a witness is relevant to judicial activities of both the Tribunal and the Residual Mechanism.

2. Regulatory framework of the Residual Mechanism

74. The Tribunal and the International Criminal Tribunal for Rwanda continued to assist the Residual Mechanism with the drafting of its regulatory framework for the provision of judicial services. The Residual Mechanism has adopted a number of practice directions, including the Practice Direction on Filings made before the Mechanism for International Criminal Tribunals and the Remuneration Policy for Persons Representing Indigent Accused in Appeals Proceedings before the Mechanism for International Criminal Tribunals. Additional practice directions and guidelines are being prepared.

75. The Tribunal's extensive involvement in the drafting process has ensured that its legal framework and practices are adequately reflected in relevant Residual

Mechanism documents. This will obviate the need for separate regulatory frameworks at the two branches of the Residual Mechanism in almost all cases, thereby economizing resources.

3. Premises and host State agreement

76. In its resolution 1966 (2010), the Security Council identified the seats of the branches of the Residual Mechanism as The Hague and Arusha. In order to realize cost savings and maximize efficiency, the branch of the Residual Mechanism in The Hague will be co-located with the Tribunal during the period of their co-existence. The Tribunal is assisting the Office of Legal Affairs of the Secretariat in negotiating an appropriate headquarters agreement with the host State and will continue assisting the Residual Mechanism in those negotiations. Until such a headquarters agreement is concluded, the Tribunal's host State agreement provisionally applies to the Hague branch of the Residual Mechanism.

4. Information security and access regime for Tribunal and Residual Mechanism records

77. The Mechanism Archives and Records Section is leading the development and implementation of record-keeping policies for the Tribunal. Since the issuance of the Secretary-General's bulletin entitled "International Criminal Tribunals: information sensitivity, classification, handling and access" (ST/SGB/2012/3), the Mechanism Archives and Records Section and the Office of the Registrar have prepared guidance documents and commenced a series of training sessions for designated Tribunal staff to ensure the efficient and effective implementation of the provisions of the bulletin.

5. Development of retention and record-keeping policies

78. The Mechanism Archives and Records Section is leading the development of a comprehensive records retention policy for the substantive records of all three organs of the Tribunal, which will be completed by 30 June 2013. In addition, it has undertaken to revise and update existing retention schedules for administrative functions.

79. The Mechanism Archives and Records Section is continuing the work necessary to implement these schedules, including the preparation of records disposition plans for Tribunal offices. Such plans have been completed for most Registry offices and for the Office of the Prosecutor.

80. The Chief Archivist of the Mechanism Archives and Records Section worked in collaboration with the Tribunal's Information Technology Services Section and other Tribunal offices to develop an e-mail policy for the Tribunal.

6. Preparation of records for migration to the Residual Mechanism

81. The Tribunal continues to work on projects to prepare its digital and hard-copy records for transfer to the Residual Mechanism. These include projects to audit key collections of digital and physical records and to improve the quality of the indexes to those collections, thus ensuring that they will be accessible and usable in the future.

82. The records disposition plans referred to above include actions to be taken by particular Tribunal offices with respect to digital and physical records before the

offices close. The Mechanism Archives and Records Section has continued to offer advice and guidance to the Tribunal as it prepares its records for transfer. During the reporting period, the Section issued standards for the preparation and transfer of records and has planned briefings for managers and training for designated staff to guide them in meeting those standards.

83. Under the leadership of the Chief Archivist of the Mechanism Archives and Records Section, a working group completed an emergency response and disaster recovery plan for the Tribunal's physical records repositories. The plan enables the Tribunal to respond to and recover from any disaster affecting its physical repositories. The Mechanism Archives and Records Section is working with the Tribunal offices responsible for physical records to coordinate the efficient and effective implementation of this plan.

7. Administrative support provided to the Residual Mechanism

84. The budget of the Residual Mechanism stipulates that administrative support services will be provided by the Tribunal and the International Criminal Tribunal for Rwanda. Accordingly, the Tribunal has been working in close cooperation with the International Criminal Tribunal for Rwanda to ensure that both branches of the Residual Mechanism are provided with effective administrative services throughout the 2012-2013 biennium.

85. The Tribunal's Human Resources Section continues to administer all Inspira recruitments for professional posts for the Residual Mechanism. To date, more than 50 staff members have been recruited, located in The Hague, Arusha and Kigali. In addition, the Human Resources Section is preparing for the recruitment of additional staff members for the branch in The Hague, in preparation for its commencement on 1 July 2013.

86. The Tribunal's information technology services have devoted significant time and effort to developing proposals for the Residual Mechanism information technology systems and infrastructure. The Finance Sections of the Tribunal and the International Criminal Tribunal for Rwanda have worked to identify practices and methods for Residual Mechanism accounting and finance arrangements. The General Services Sections have identified appropriate office space for Residual Mechanism staff and are providing travel, visa, mailing and transportation services.

87. The Tribunal continues to provide the branch in The Hague with administrative support services at no cost. It also continues to provide the required judicial support services at no cost, including staffing costs related to court management support, language services, detention services and witness protection services.

88. The use of the existing staff and resources of the Tribunal and the International Criminal Tribunal for Rwanda will allow the branch in The Hague to operate efficiently while minimizing staff funding requirements and general operating expenses.

C. Budget for 2014-2015

89. The Tribunal, the International Criminal Tribunal for Rwanda and the Residual Mechanism are working together to prepare the budgets for the 2014-2015 biennium. These will appropriately reflect the distribution of functions among the

three bodies, maximizing economies of scale while fully supporting both the Residual Mechanism as it is being established and the Tribunal and the International Criminal Tribunal for Rwanda as they downsize.

D. Downsizing

90. The downsizing process continues to be implemented. During the current biennium, the Tribunal expects to abolish 120 posts in line with the trial and appeal schedule. Using the comparative review process, staff members are placed against specific posts selected for downsizing. Staff members' contract validity dates are synchronized to the dates set for the abolition of their posts. The comparative review process for post reductions in the current biennium was completed in 2011. The Tribunal is now preparing for the comparative review process for the 2014-2015 biennium. By conducting this exercise as early as possible, it has been possible to provide staff members with the maximum contractual security that prudent financial planning will permit. The Office of Internal Oversight Services has indicated that it considers the Tribunal's downsizing process to be best practice in leadership of a change process.

E. Enforcement of sentences

91. The Tribunal has entered into framework or ad hoc agreements on the enforcement of sentences with the following 17 States: Albania, Austria, Belgium, Denmark, Estonia, Finland, France, Germany, Italy, Norway, Poland, Portugal, Slovakia, Spain, Sweden, Ukraine and the United Kingdom of Great Britain and Northern Ireland. The Tribunal relies in full on the cooperation of States for the enforcement of its sentences.

92. The successful completion of the Tribunal's mandate requires a sufficient number of agreements to transfer all persons whose convictions are finalized. Consequently, the Tribunal continues to pursue its efforts to secure additional agreements for the enforcement of Tribunal sentences. In its resolution 1993 (2011), the Security Council called upon States that have not concluded agreements for the enforcement of sentences to consider concluding such agreements.

F. Information centres

93. The Tribunal continued working with local authorities and international partners on the establishment of information centres in the region of the former Yugoslavia. The Mayor of Sarajevo, whose initiative has the backing of the Bosniak and Bosnian Croat members of the Presidency, has pledged space for an information centre in the renovated National Library in Sarajevo. Meanwhile, Croatian authorities informed the Tribunal that an information centre could be hosted on the premises of the University of Zagreb, should the decision be made to establish such a centre in Croatia. Both initiatives will require external funding and support.

94. In February 2013, the President of the Tribunal received official notification that the Bosnian Serb member of the Presidency supports the establishment of information centres in Sarajevo and Banja Luka. The Tribunal is awaiting further

information from Banja Luka with regard to the premises and other resources that local authorities can pledge for the project.

95. In the second half of 2013, the Tribunal plans to hold another meeting with local and international partners to begin establishing the desired information centre model, drawing upon the project proposal previously developed with project partners. Availability of adequate financial support is crucial to the success of the information centres; accordingly, the Tribunal asks the international community to support the project by providing necessary funds.

IX. Legacy and capacity-building

96. The Tribunal is planning modest events to mark the twentieth anniversary of its existence. In The Hague, King Willem-Alexander of the Netherlands will be the guest of honour at a ceremony featuring a keynote speech by Under-Secretary-General for Legal Affairs Patricia O'Brien and reflections by current and former Tribunal officials. The ceremony will be attended by Tribunal officials and representatives of the diplomatic community in The Hague. The Tribunal is also planning a conference in Sarajevo, to which representatives from the entire former Yugoslavia will be invited.

97. The Tribunal has been working with the Office of Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe on the War Crimes Justice Project, in order to launch additional activities relevant to the Tribunal's legacy in the former Yugoslavia. These activities include skills training for judges, prosecutors and defence lawyers in various States of the former Yugoslavia. In addition, the Tribunal is participating in peer-to-peer meetings for judges and witness support services in the region.

X. Conclusion

98. The large number of trial and appeal Judgements rendered during the reporting period has brought the Tribunal closer to the completion of its mandate. The activities detailed in the present report demonstrate the Tribunal's continuing commitment to completing its proceedings while maintaining the highest standards of due process. Judgements in certain cases are now expected later than previously predicted; however, the Tribunal is doing its utmost to limit and avoid such delays.

99. The Tribunal's completion of the last trials and appeals is, of course, only part of its impact. The Tribunal's success in holding to account all of the 161 individuals it indicted serves as a testament to the international community's determination that those who are charged with genocide, crimes against humanity and violations of the laws or customs of war will be held to account. More broadly, the Tribunal has played a crucial role in developing key procedural and substantive precedents in international criminal law. While the Tribunal continues to face challenges in completing its mandate, these should not obscure its fundamental successes.

100. The unwavering support of the international community, including the Security Council and individual Governments that have supported the Tribunal's judicial proceedings in a myriad of ways, has been crucial to the Tribunal's achievements. In this spirit, the Tribunal encourages the Security Council and the international community to continue supporting judicial institutions in the former Yugoslavia as they build on the work of the Tribunal.

Annex II

[Original: English and French]

Report of Serge Brammertz, Prosecutor of the International Tribunal for the Former Yugoslavia, provided to the Security Council under paragraph 6 of Security Council resolution 1534 (2004)

Contents

		Page
I.	Overview	21
II.	Completion of trials and appeals	22
	A. Overview of current challenges	22
	B. Update on the progress of trials	23
	1. *Prlić et al.*	23
	2. *Šešelj*	23
	3. (Jovica) *Stanišić and Simatović*	23
	4. *Haradinaj et al.* (retrial)	23
	5. *Karadžić*	23
	6. *Mladić*	24
	7. *Hadžić*	25
	C. Update on the progress of appeals	25
	D. Contempt cases	26
	1. *Rašić*	26
	2. *Šešelj*	26
	E. Access orders	26
III.	State cooperation with the Office of the Prosecutor	27
	A. Cooperation between the States of the former Yugoslavia and the Office of the Prosecutor	27
	1. Cooperation between Serbia and the Office of the Prosecutor	27
	2. Cooperation between Croatia and the Office of the Prosecutor	28
	3. Cooperation between Bosnia and Herzegovina and the Office of the Prosecutor	28
	4. Cooperation between other States and organizations and the Office of the Prosecutor	29

IV. Transition from the International Tribunal for the Former Yugoslavia to national war crimes prosecutions 29

A. Challenges in establishing accountability for war crimes in Bosnia and Herzegovina ... 30

B. Cooperation among States in the former Yugoslavia on war crimes investigations and prosecutions 30

C. Support by the Office of the Prosecutor for national war crimes prosecutions 31

1. Access to information in databases of the Office of the Prosecutor and in Tribunal case records 31

2. Expertise transfers 32

3. Regional training needs assessment 33

V. Downsizing and preparing for the International Residual Mechanism for Criminal Tribunals. 34

A. Downsizing of posts in the Office of the Prosecutor and support to staff for career transition 34

B. Preparations for the International Residual Mechanism for Criminal Tribunals, The Hague Branch 35

VI. Conclusion 35

I. Overview

1. The Prosecutor of the International Tribunal for the Former Yugoslavia submits this nineteenth completion strategy report pursuant to Security Council resolution 1534 (2004), covering developments between 16 November 2012 and 15 May 2013. During this period, the Office of the Prosecutor continued to focus on three key tasks: (a) ensuring that the three remaining trials (*Karadžić*, *Mladić* and *Hadžić*) proceed efficiently and expeditiously and that the Appeals Division effectively handles all current appeals work and prepares for the intense appellate caseload that is imminent; (b) within the confines of available resources, developing additional measures to build the capacity of authorities in the former Yugoslavia to prosecute war crimes cases; and (c) preparing for the transition and transfer of functions of the Office of the Prosecutor to the International Residual Mechanism for Criminal Tribunals.

2. In this reporting period, final judgements were issued in three trials (*Haradinaj et al.*, *Tolimir* and *Stanišić and Župljanin*), three appeal cases (*Lukić and Lukić*, *Gotovina and Markač* and *Perišić*) and two contempt cases (*Rašić* and *Šešelj*). At the end of this reporting period, two cases are in the prosecution evidence presentation phase (*Hadžić* and *Mladić*); one case is in the defence evidence presentation phase (*Karadžić*); and three cases are awaiting judgement at the Trial Chamber level (*Prlić et al.*, *Šešelj* and *Stanišić and Simatović*). In addition, five cases are on appeal (*Šainović et al.*, *Stanišić and Župljanin*, *Tolimir*, *Popović et al.* and *Đorđević*) and one contempt appeal is pending (*Šešelj*).

3. The Prosecutor remains satisfied with the level of cooperation between the Office of the Prosecutor and the authorities in Bosnia and Herzegovina, Serbia and Croatia. There have also been positive developments in regional cooperation, with the long-awaited conclusion of a protocol between the Prosecutor's Offices of Bosnia and Herzegovina and Serbia on the exchange of evidence and information and discussion of a similar protocol between Bosnia and Herzegovina and Croatia, although more remains to be done to extend cooperative measures.

4. The main area of concern regarding States in the former Yugoslavia remains the capacity of national institutions to conduct effective war crimes prosecutions, particularly in Bosnia and Herzegovina. Since the Prosecutor's previous report (S/2012/847, annex II), no progress has been made in the category II cases transferred by the Office of the Prosecutor to Bosnia and Herzegovina. The lack of progress in the investigation and prosecution of other war crimes cases in Bosnia and Herzegovina is also a concern. Although many cases have been transferred from the Bosnia and Herzegovina State Court to entity-level authorities, there has been little progress in these cases and there is no prospect that the Bosnia and Herzegovina authorities will meet the deadlines prescribed in the National War Crimes Strategy for the significant backlog that remains.

5. To support building capacity for war crimes prosecutions in the former Yugoslavia and to advance the objectives of reconciliation and the rule of law in the coming decade, the Office of the Prosecutor is intensifying its efforts to transfer expertise and information to national authorities. In addition to the package of measures developed over the past few years (described more fully below), in this reporting period the Office finalized a training needs assessment for enhancing capacity for war crimes prosecutions in Bosnia and Herzegovina. The final report, prepared by the Office's expert consultant, has been shared with international partners

who also have an interest in capacity-building, in particular the Organization for Security and Cooperation in Europe (OSCE), the European Union and the United Nations Development Programme (UNDP). The Office is also preparing to disseminate the report to relevant authorities in Bosnia and Herzegovina. This constitutes an additional step towards facilitating discussion on regional training needs, and the report has been positively received by partners in the region and elsewhere. In another positive development, the Office has increased its focus on measures that will assist in building capacity for prosecuting sexual violence crimes, in particular through recording and documenting the Office's lessons learned and suggested practices concerning this category of cases. The Office has also contributed to a joint project with other international and hybrid courts and tribunals to collate lessons learned and suggested practices in prosecuting mass atrocities.

6. In preparation for the 1 July 2013 start date for the Residual Mechanism, The Hague Branch, the Office has been working with Residual Mechanism officials and personnel to prepare for the transition of functions and cases in accordance with the transitional arrangements prescribed by the Security Council. This work will intensify in the next reporting period as The Hague Branch commences operations.

II. Completion of trials and appeals

A. Overview of current challenges

7. While the Office of the Prosecutor is approaching the end of its mandate, it is busier than ever with some of the most significant cases yet prosecuted before the Tribunal. Efficiency measures honed over preceding years, in particular the use of written evidence in place of live testimony, are yielding significant savings in court time. At the same time, as a result of these measures, the three remaining trials are proceeding at an intense pace, placing considerable strain on the trial team members. The Office is continuously identifying new ways to use its resources flexibly and creatively to meet the significant demands it now faces. In addition to these existing demands, the Office has been required to carry out work needed for the creation of the Residual Mechanism Office of the Prosecutor (The Hague Branch), which has resulted in a more complex organizational framework for the Office to operate within and double-hatting duties for various staff members.

8. The expected difficulty in retaining key staff members until the completion of the Office's cases is increasingly proving to be accurate. Staff attrition in the Office continues to place unreasonable strain on the remaining staff members, who are left to cover multiple additional functions. The Office relies on its staff members to shoulder the operational uncertainties of constantly shifting trial and appeal schedules and to cope with an ever-expanding workload. At the same time, no solutions have been found to reward them or to secure their continued loyalty to the Tribunal. Some have now spent the bulk of their careers serving the Tribunal and some are approaching as many as 20 years of service with the Office. The Office of the Prosecutor recognizes the outstanding contributions of its staff members, in particular those who have shown long-term commitment to its mission, even at the considerable personal cost of foregoing more stable and enduring career paths in other systems.

B. Update on the progress of trials

1. *Prlić et al.*

9. The trial in this multi-accused case was completed in March 2011 and the judgement will be delivered on 29 May 2013.

2. *Šešelj*

10. This trial was completed on 20 March 2012. The Trial Chamber is currently deliberating and the parties await its judgement, which is scheduled for 30 October 2013.

3. (Jovica) *Stanišić and Simatović*

11. The prosecution filed its final trial brief on 14 December 2012 and closing submissions were made by the prosecution and the defence between 29 and 31 January 2013. The case was adjourned on 31 January 2013 and the judgement will be delivered on 30 May 2013.

4. *Haradinaj et al.* (retrial)

12. The Trial Chamber issued its judgement on 29 November 2012, following the retrial in this case. A newly composed Trial Chamber was asked to rehear the case on select charges because the first instance trial was characterized by serious witness intimidation. Obtaining the evidence required for a successful prosecution remained difficult and the Retrial Chamber acquitted the three accused of the counts covered by the retrial indictment, finding that there was insufficient evidence upon which to convict them. The prosecution did not appeal the judgement and the case is now closed.

5. *Karadžić*

13. The defence evidence presentation continues in the *Karadžić* case. The trial is on schedule and has been running smoothly. In the period from 16 October 2012 to 25 April 2013, Karadžić used 161 hours of the 300 hours allocated to him. In that same period, the prosecution used approximately 173 hours for cross-examination and the Chamber used approximately 35 hours for questioning witnesses and for procedural and administrative matters.

14. Karadžić has called 130 witnesses viva voce or pursuant to rules 92 bis and ter of the Tribunal's Rules of Procedure and Evidence. The evidence of an additional five witnesses has been given pursuant to rule 92 quater. The majority of Karadžić's witnesses have presented their evidence under rule 92 ter, according to which the accused relies upon the witness's written statement and the prosecution is provided an opportunity to cross-examine the witness. While this method of evidence presentation reduces the time taken for oral testimony overall, it means that the prosecution uses proportionally more court time than the accused because of the need to conduct live cross-examinations of the defence witnesses. Nevertheless, the prosecution has been able to conduct its cross-examinations efficiently, using a significantly lower proportion of time than Karadžić used for his cross-examinations during the prosecution's evidence presentation.

15. If the current pace of trial continues, the defence case will be finished before the end of 2013. Whether the Office of the Prosecutor will seek to call a rebuttal case and, if so, its possible duration are not yet known and can be estimated only at the end of the defence case. The accused is challenging a considerable number of the adjudicated facts admitted by the Trial Chamber prior to the commencement of the trial. The Office relied on these facts to reduce the volume of evidence it presented in the case and the status of these adjudicated facts following the conclusion of the defence case is a factor that will have an impact on the length of any rebuttal case.

16. On 11 December 2012, the Appeals Chamber issued a decision on Karadžić's appeal against the Trial Chamber's rule 98 bis decision upholding the hostage-taking count (count 11) of the indictment. The Appeals Chamber dismissed Karadžić's appeal and the hostage-taking count remains operative. The trial is proceeding pending a decision regarding the prosecution's appeal against the Trial Chamber's rule 98 bis decision to acquit Karadžić of genocide in municipalities throughout Bosnia and Herzegovina in 1992 (count 1 of the indictment).

17. The Office of the Prosecutor continues to have considerable disclosure obligations due to Karadžić's extensive rule 66 (B) requests, whereby he has requested disclosure covering a broad range of topics that he considers material to the preparation of his defence.

18. Staff attrition remains a serious problem in the *Karadžić* case. During the reporting period, two trial attorneys resigned and the team expects to lose more staff members in the coming period. The remaining team members have been required to absorb additional duties, with crucial support being provided by the Appeals Division to minimize the impact that the loss of key personnel is having on the conduct of the trial. Urgent staffing needs were also met by hiring new staff members on short-term contracts, but retention strategies remain an urgent need.

6. *Mladić*

19. The prosecution continues to present its case-in-chief in the *Mladić* trial. In the period from 16 October 2012 to 26 April 2013, the Office of the Prosecutor used 101 hours of the 200 hours allocated to it. In that same period, Mladić used approximately 202 hours for cross-examination and the Chamber used approximately 17.25 hours for questioning witnesses and procedural and administrative matters. The Office has called 86 witnesses viva voce or pursuant to rules 92 bis, ter and quater. At the beginning of the prosecution case, the Office intended to call 200 witnesses but, in the interests of expediency, has reduced that figure to 170. The precise number to be called depends upon several pending decisions by the Trial Chamber.

20. The *Mladić* defence requested an adjournment of hearings in the month of March 2013 to assist attorneys on its team to prepare submissions before the Appeals Chamber in another case. The Trial Chamber altered the sitting schedule to four days a week during the months of April and May. Taking into account these reduced sitting days, the prosecution projects that it will complete the presentation of its case before the end of 2013.

21. During the reporting period, two trial attorneys resigned and measures are currently being considered for their replacement.

7. *Hadžić*

22. The trial in this case has continued to proceed expeditiously. At the beginning of the case, the Trial Chamber granted the prosecution 175 hours in which to present 82 witnesses. To date, the prosecution has used approximately 85 hours to examine 38 of the 82 witnesses. In January and February 2013, the Trial Chamber ruled that four additional witnesses should be heard viva voce and that three others should testify for periods longer than projected by the prosecution. On 24 April 2013, the Trial Chamber granted the Office of the Prosecutor an additional 10 hours for its case-in-chief to accommodate these modifications. As at the end of April 2013, the Defence has used 72 hours for cross-examination and the Trial Chamber has used 14 hours for examination of witnesses.

23. In January 2013, the Trial Chamber announced a modified trial sitting schedule for the months of February, March and April 2013. Instead of sitting four days per week, the Trial Chamber was in session for one full week per month for each of these three months. On 1 May 2013, the trial resumed with its previous sitting schedule of four days per week. The Trial Chamber has scheduled a site visit to areas relevant to the indictment against Hadžić for 23 September 2013. The prosecution's case will likely close before the end of 2013. The trial team will continue to utilize all possible measures to ensure the efficient presentation of its case.

24. During the reporting period, one legal officer resigned and the recruitment process for a replacement is currently under way.

C. Update on the progress of appeals

25. During the reporting period, appeal judgements were issued in *Lukić and Lukić*, *Gotovina and Markač*, and *Perišić*. On 4 December 2012, the Appeals Chamber affirmed the convictions of Milan Lukić and Sredoje Lukić relating to crimes committed in Višegrad in 1992. On 16 November 2012, the Appeals Chamber reversed the convictions of Gotovina and Markač for crimes committed in the Krajina region of Croatia during Operation Storm between July and September 1995 and entered acquittals. On 28 February 2013, the Appeals Chamber reversed Perišić's convictions for aiding and abetting the crimes committed in Sarajevo and Srebrenica. It also reversed his conviction based on superior responsibility for the crimes committed in Zagreb. In addition, appeal hearings were held in *Šainović et al.* between 11 and 15 March 2013 and *Đorđević* on 13 May 2013 and the parties await the Appeals Chamber's judgements. A hearing on the Prosecution's rule 98 bis appeal concerning count 1 of the indictment (charging genocide committed in various municipalities of Bosnia and Herzegovina in 1992) was also held in the *Karadžić* case on 17 April 2013 and the parties await the Appeals Chamber's decision. The *Popović et al.* case is fully briefed and the hearing is expected to be scheduled in the next reporting period.

26. The appeal process also recently commenced in two cases. The *Tolimir* trial judgement was issued on 12 December 2012 and Tolimir's notice of appeal was filed on 11 February 2013. The prosecution did not appeal. The *Stanišić and Župljanin* trial judgement was issued on 27 March 2013. The parties filed their notices of appeal on 13 May 2013. Prior to the judgement, the Office of the Prosecutor filed a motion asking the Trial Chamber to make findings on alternate modes of liability and to reopen the case to admit the transcript of an interview of a witness called by the Trial Chamber. Both motions were denied.

27. By 13 May 2013, the Appeals Division carried an inventory of prosecution appeals affecting 12 accused persons, in addition to 13 appeals by convicted persons against their convictions and/or sentence. The Appeals Division (and/or its Residual Mechanism counterpart) will add to this caseload, should appeals be filed concerning the trial judgements in *Prlić*, *Stanišić and Simatović* and *Šešelj*, which are expected before the end of the year.

28. The Appeals Division continues to assist trial teams with briefing major legal issues, preparing pretrial briefs, final trial briefs, opening and closing submissions, pretrial motions, motion responses and other trial preparation matters including such time-sensitive issues as urgent motion responses and disclosure. The Appeals Division also continues to manage several essential trial-related functions, including digesting and communicating substantive and procedural decisions of interest to the trial teams, assisting with management of the internship programme of the Office of the Prosecutor and managing the periodic meetings of the legal advisers.

D. Contempt cases

1. *Rašić*

29. On 16 November 2012, the Appeals Chamber upheld Rašić's conviction for contempt. The Appeals Chamber also affirmed the Trial Chamber's sentence of 12 months' imprisonment and rejected the challenge by the Office of the Prosecutor to the Trial Chamber's decision to suspend eight months of the sentence.

2. *Šešelj*

30. The Appeals Chamber issued a judgement in the second contempt case against Šešelj on 28 November 2012. Šešelj was convicted of contempt by the Trial Chamber for failing to remove confidential information about Tribunal witnesses from the public domain. The Appeals Chamber affirmed Šešelj's sentence of 18 months' imprisonment. The Appeals Chamber also noted that the sentence had already been served, given that Šešelj has been detained longer than the total of the 15-month sentence imposed in the first contempt case against him and the 18-month sentence imposed upon the second contempt conviction.

31. The third contempt case against Šešelj for his continuing failure to remove confidential information about Tribunal witnesses from the public domain despite the judgements against him and consequent orders to do so is ongoing. Šešelj has appealed the Trial Chamber's third contempt conviction against him and the matter is before the Appeals Chamber.

32. On 10 January 2013, the President of the Tribunal denied Šešelj's motion for the disqualification of three appeal judges sitting on his third contempt case. These judges were also involved in rendering a decision that Šešelj had waived his right to appeal the judgement in the second contempt case against him.

E. Access orders

33. The Office of the Prosecutor continues to spend significant resources to ensure compliance with 42 trial and appeal decisions granting accused persons access to confidential material in related cases. Since the previous report, three new access

decisions have been issued and the Office has filed 59 notices of compliance in 34 ongoing and completed cases. The Office has also completed the review work required by 22 decisions in six cases. Ongoing work in eight cases is required pursuant to 17 decisions.

34. A large volume of review work has been and will continue to be required in relation to the *Karadžić* and *Mladić* trials. Ten accused have been granted ongoing access to confidential material in the *Karadžić* case. The parameters of access granted in each of these decisions differ, requiring separate and careful review of each confidential transcript, filing and decision. Similar work is required in the *Mladić* case, to which four accused have been granted ongoing access. These decisions will require ongoing review and the filing of periodic notices for the duration of the trials.

III. State cooperation with the Office of the Prosecutor

35. To successfully complete its mandate, the Office of the Prosecutor continues to rely on the full cooperation of States, as set out in article 29 of the statute of the Tribunal.

A. Cooperation between the States of the former Yugoslavia and the Office of the Prosecutor

36. During the reporting period, the Office of the Prosecutor sought cooperation from States of the former Yugoslavia, in particular Serbia, Croatia and Bosnia and Herzegovina. To promote and assess cooperation, the Office maintained a direct dialogue with Government and other authorities from each of these three countries, including officials in national prosecution offices. The Prosecutor met with officials in Belgrade from 7 to 9 May 2013 and in Sarajevo from 15 to 16 April 2013 to discuss cooperation and other issues. The Prosecutor will visit Croatia between 22 and 24 May for the annual conference of prosecutors from the former Yugoslavia held in Brijuni to discuss issues of mutual relevance.

1. Cooperation between Serbia and the Office of the Prosecutor

37. With the last three Tribunal trials in progress, Serbia continues to play an important role in ensuring the successful completion of the work of the Office of the Prosecutor. During meetings in Belgrade, representatives of the Government of Serbia reiterated their previous assurances that they will continue cooperating with the Office.

(a) Assistance with trials and appeals

38. The Office's access to documents and archives in Serbia remains important for ongoing trial and appeals proceedings. Overall, Serbia has shown continued diligence in processing the Office's requests for assistance. In the present reporting period, the Office sent 21 requests for assistance to Serbia and the Government of Serbia has responded adequately. The National Council for Cooperation, the central authority in charge of facilitating answers to requests from the Office for assistance, continues to play a valuable role in coordinating the work of the government bodies that handle the Office's requests for assistance.

39. Similarly, during the reporting period, the Serbian authorities continued to adequately facilitate the Office's access to witnesses, including their appearance before the Tribunal. Summonses were served on time, court orders were executed and witness interviews were arranged. The relevant legal and law enforcement bodies, including the Office of the War Crimes Prosecutor, provided valuable assistance to the Office of the Prosecutor.

40. The Office of the Prosecutor will continue to request Serbia's cooperation in support of its ongoing casework in the months to come. It asks the Serbian authorities to maintain their prompt and efficient approach to requests for assistance, given the rapid pace of the three remaining trials.

(b) Investigation into fugitive networks

41. Following the arrests of the last fugitives from the Tribunal, Mladić and Hadžić, Serbia undertook to provide the Office of the Prosecutor with comprehensive information explaining how a number of fugitives had evaded justice for so long prior to their capture. Serbia also undertook to investigate and prosecute individuals who assisted in harbouring fugitives while at large. The Office notes that Serbia's work on the fugitive networks is ongoing and encourages the Serbian authorities to ensure that this issue is finalized in a prompt and effective manner.

2. Cooperation between Croatia and the Office of the Prosecutor

42. The Office of the Prosecutor continues to rely on Croatia's cooperation to efficiently complete trials and appeals. In the present reporting period, the Office sent six requests for assistance to Croatia. Two requests are outstanding, although one has been partially responded to. Neither request is overdue. Croatia has also provided access to witnesses and evidence as required. The Office will continue to rely on Croatia's cooperation in upcoming trials and appeals.

3. Cooperation between Bosnia and Herzegovina and the Office of the Prosecutor

(a) Assistance with trials and appeals

43. During the reporting period, the Office of the Prosecutor sent 22 requests for assistance to Bosnia and Herzegovina relating to ongoing trials and appeals. No requests are outstanding. The authorities of Bosnia and Herzegovina, at both the State and entity levels, responded promptly and adequately to most of the Office's requests for documents and access to Government archives. The authorities also provided valuable assistance with witness protection matters and facilitated the appearance of witnesses before the Tribunal. As its casework progresses, the Office will continue to rely on similar assistance from Bosnia and Herzegovina in the future.

(b) Follow-up on investigative materials transferred by the Office of the Prosecutor to Bosnia and Herzegovina

44. The Prosecutor remains concerned about the slow pace of the investigation and prosecution of category II cases, which the Office of the Prosecutor transferred to the Bosnia and Herzegovina authorities between June 2005 and December 2009. Only 4 out of 13 cases have been completed. The Prosecutor noted in his previous report that some progress had been made, with indictments issued in three cases. However, since then, there have been no developments in any of the outstanding cases and the announced completion date of December 2013 will not be met.

45. The Prosecutor met with Bosnia and Herzegovina's new Chief Prosecutor in Sarajevo in April 2013 and the Chief Prosecutor has indicated that his Office will increase efforts to address the issue. To assist the Special Department for War Crimes in meeting its obligations in this regard, the Prosecutor has agreed with the Bosnia and Herzegovina Prosecutor's Office that he will return to the country in the coming weeks to discuss practical steps that can be taken with a view to completing the category II cases.

46. The Prosecutor hopes that the Bosnia and Herzegovina authorities can also finalize investigations arising from material transferred by the Office of the Prosecutor to Bosnia and Herzegovina concerning crimes documented in Office cases, but which did not form part of the Tribunal's indictments.

4. Cooperation between other States and organizations and the Office of the Prosecutor

47. Support from States outside the former Yugoslavia, as well as from international organizations, remains integral to the successful completion of cases before the Tribunal. Assistance is needed to access documents, information and witnesses, as well as in matters related to witness protection, including the relocation of witnesses.

48. The Office of the Prosecutor acknowledges the support it received during the reporting period from States Members of the United Nations and international organizations, including the United Nations and its agencies, the European Union, the North Atlantic Treaty Organization, OSCE, the Council of Europe and non-governmental organizations, including those active in the former Yugoslavia.

49. The international community also has an important role to play in providing incentives for States in the former Yugoslavia to cooperate with the Tribunal. The European Union's policy of conditionality, linking progress towards membership to full cooperation with the Tribunal, continues to be an effective tool for ensuring continued cooperation with the Tribunal and consolidating the rule of law in the former Yugoslavia.

IV. Transition from the International Tribunal for the Former Yugoslavia to national war crimes prosecutions

50. As the Tribunal moves further towards the completion of its mandate, the Office of the Prosecutor remains committed to promoting effective war crimes prosecutions in the former Yugoslavia. The Office is strengthening its role in building the capacity of its national counterparts to carry on the accountability process started by the Tribunal. The effective prosecution of war crimes committed during the conflicts in the former Yugoslavia is fundamental for the truth-seeking and reconciliation process. Accountability for these crimes depends as much on the success of national prosecutions as it does on the effective completion of the Tribunal's last cases.

51. While some progress has been made in war crimes prosecutions in countries of the former Yugoslavia, significant difficulties remain, particularly in Bosnia and Herzegovina.

A. Challenges in establishing accountability for war crimes in Bosnia and Herzegovina

52. Progress towards implementing the National War Crimes Strategy in Bosnia and Herzegovina remains limited. Although 24 cases against 42 individuals were initiated in 2012 and 16 cases were prosecuted, a large backlog remains. The Bosnia and Herzegovina authorities have little or no prospect of meeting the 2015 deadline imposed as part of the strategy.

53. According to the new Chief Prosecutor, around 318 cases have been transferred from the State to entity-level judicial organs. However, since the transfer of these cases, the Office of the Prosecutor has not received any requests for assistance from the entity-level authorities and there has been little progress in processing these cases at the entity level. Since limited progress has been made, a considerable backlog remains.

54. Comprehensive measures are required to make the National War Crimes Strategy effective at the entity level, including the appointment of additional entity prosecutors and other qualified personnel and the provision of adequate resources. Without the parallel provision of sufficient resources, the ongoing transfer of cases from the State level will be futile. In addition, continued efforts are needed to strengthen the capacity of entity-level courts to overcome problems with witness protection, which have posed a serious threat to the administration of justice, including in the context of sexual violence crimes. Political leaders on all sides must genuinely commit to radical improvements in implementing the National War Crimes Strategy. The Prosecutor strongly encourages the responsible authorities to make the necessary resources available.

B. Cooperation among States in the former Yugoslavia on war crimes investigations and prosecutions

55. The Office of the Prosecutor continues to promote improved regional cooperation in war crimes matters, which is essential for combating impunity in the former Yugoslavia. The Prosecutor is pleased to report that, on 31 January 2013, the Prosecutor's Offices of Bosnia and Herzegovina and Serbia signed a protocol on the exchange of evidence and information in war crimes cases. If properly implemented, the protocol could pave the way for the transfer of evidence between Bosnia and Herzegovina and Serbia and offer practical solutions to such problems as parallel investigations. It is also a potentially important step towards addressing the backlog of cases in Bosnia and Herzegovina. The Prosecutor's Offices in the respective States have agreed to hold monthly meetings to discuss the protocol and have informed the Office of the Prosecutor that they have already exchanged information on a number of cases. The Prosecutor encourages the respective authorities to continue to take the necessary steps to implement the protocol. It is promising that the Prosecutor's Offices of Bosnia and Herzegovina and Croatia are considering entering into a similar protocol.

56. Challenges will, however, remain at the judicial level unless reforms are made. Judicial institutions in the former Yugoslavia continue to face serious challenges in coordinating their activities, such as legal barriers to the extradition of suspects, which continue to obstruct effective investigations. Urgent action is needed by

political and legal authorities in the region to promote and strengthen regional cooperation in war crimes cases. Improved cooperation among all countries in the region in tackling organized crime provides an important precedent. For example, Croatia and Serbia have signed and implemented an agreement on extraditing their nationals regarding organized crime. Bosnia and Herzegovina and Serbia have exchanged the text of an agreement on this matter, which is expected to be finalized in the near future. Bosnia and Herzegovina is planning to sign agreements with Croatia, the former Yugoslav Republic of Macedonia and Montenegro in the coming months. A similar commitment to tackling war crimes prosecutions is urgently needed at the political and operational levels.

57. In his previous report, the Prosecutor expressed concern in relation to the adoption of a law by the former Government of Croatia that annuls all indictments issued by the Serbian authorities against citizens from Croatia. The law remains under review by the Croatian Constitutional Court. The Prosecutor reiterates his concern that, if upheld, this legislative initiative will undermine regional cooperation on war crimes matters.

58. Another important component of promoting accountability and reconciliation in the former Yugoslavia is effective action to resolve the issue of missing persons, including through continued exhumation of mass graves. Survivor communities from the conflict have repeatedly expressed significant frustration about the lack of progress in recovering bodies, which exacerbates their grief. Authorities in the region should refocus on investigating the location of missing persons, regardless of their ethnicity. Improving this situation should be a priority in the coming months.

C. Support by the Office of the Prosecutor for national war crimes prosecutions

59. The Office of the Prosecutor is intensifying its efforts to help countries in the former Yugoslavia to more successfully handle their many remaining war crimes cases. Under the Prosecutor's direction, the Office's transition team is leading the Office's work to facilitate domestic war crimes cases through information and expertise transfers.

1. Access to information in databases of the Office of the Prosecutor and in Tribunal case records

60. During the reporting period, the Office of the Prosecutor continued to provide information to assist national jurisdictions in prosecuting crimes arising from the conflict in the former Yugoslavia. The volume of requests received increased from the previous period. In the period from 1 November 2012 to 30 April 2013, the Office received 105 new incoming requests for assistance. Of the new requests, 91 were submitted by national judicial authorities in the former Yugoslavia. The majority (56) came from Bosnia and Herzegovina, with 25 from Croatia and 10 from Serbia. However, some of these requests were extensive and hundreds of pages of material were disclosed in response. Liaison prosecutors (see para. 64 below) from the region who are working with the Office played a key role in facilitating responses to these requests. There were also 14 requests from prosecutor's offices and law enforcement agencies in other States.

61. Also during the reporting period, the Office of the Prosecutor responded to a total of 82 requests for assistance. Seventy of these responses concerned requests from

the judicial authorities in the former Yugoslavia. The majority of responses were sent to Bosnia and Herzegovina (55), 11 were sent to Croatia and 4 were sent to Serbia. Twelve responses were sent to the judicial authorities and law enforcement agencies in other States.

62. Judicial authorities in the former Yugoslavia also continued to utilize processes established under the Tribunal's Rules of Procedure and Evidence to access confidential materials from Tribunal cases where appropriate. In that regard, the Office of the Prosecutor responded to three rule 75 (H) applications from judicial authorities in the region and filed three rule 75 (G) applications.

63. Although a substantial number of requests for assistance have been submitted by State-level authorities in Bosnia and Herzegovina, as noted above, no requests have come from entity-level authorities to date, notwithstanding their increasing responsibility for prosecuting war crimes cases. To promote more effective access to Tribunal materials, including the databases of the Office of the Prosecutor, by authorities at all levels in Bosnia and Herzegovina, arrangements are under way for an Office information seminar in Bosnia and Herzegovina in the coming months. The European Union has agreed to fund the seminar, which will focus on providing practical advice and guidance for authorities in Bosnia and Herzegovina.

2. Expertise transfers

64. The joint European Union/Tribunal "liaison prosecutors" project is in its fourth year of operation and continues to form a central component of the Office's strategy to strengthen the capacity of national criminal justice systems in the former Yugoslavia for war crimes cases. Three liaison prosecutors from the region (one from Bosnia and Herzegovina, one from Croatia and one from Serbia) working with the Office of the Prosecutor in The Hague have access to designated Office databases and are instructed in the search methodologies used by the Office. They can consult with in-house experts on relevant issues and serve as contact points for other regional prosecutors. The liaison prosecutors also continue to facilitate responses to requests for assistance to their respective countries generated by the Office's trial teams.

65. Under the project, young legal professionals from the former Yugoslavia with a commitment to working on war crimes cases also work as interns with the Office of the Prosecutor in The Hague. In February 2013, a new group of young legal professionals drawn from Bosnia and Herzegovina, Croatia and Serbia commenced their six-month placements. During their time in The Hague, they are also invited to attend lectures and presentations on topics relating to the work of the Office of the Prosecutor and the Tribunal more generally. By investing in the education and training of these young legal professionals, the Office hopes to transfer expertise that can build capacity in domestic institutions to progress their war crimes cases.

66. The quality of work, professionalism and dedication of legal professionals from the region working with staff members of the Office in The Hague remains high. The participants in the project display a capacity to learn rapidly and to make the most of the opportunities provided to them within the Office. The feedback given by all associated with the project confirms its value in building the future capacity of the countries in the former Yugoslavia to effectively deal with complex war crimes cases. Further reflecting the value of the project, the European Union confirmed in April 2013 that it has extended funding for the project until the end of

2014. The Office of the Prosecutor remains grateful to the European Union for its continued support.

67. Building on the success of existing programmes, the Office of the Prosecutor has identified other avenues for transferring its expertise to regional authorities. As mentioned in the Prosecutor's previous report, the Office has commenced work on a manual for prosecuting sexual violence crimes that will record the Office's best practices and lessons learned for the prosecution of sexual violence crimes. The manual will be a user-friendly and practitioner-oriented resource to assist with prosecuting sexual violence cases and will also be crafted with a capacity-building focus in mind. In the reporting period, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) extended funding for the first phase of the project to develop the manual. This first phase has involved in-depth consultations with current and former Tribunal staff members who have worked on sexual violence prosecutions, consultations with counterparts in the former Yugoslavia and the completion of a detailed outline of the proposed manual.

68. In another initiative, the Office of the Prosecutor, together with its counterparts at the Tribunal, the Special Court for Sierra Leone, the Special Tribunal for Lebanon and the Extraordinary Chambers in the Courts of Cambodia, have finalized a "Compendium of Lessons Learned and Suggested Practices". The Compendium has been published on the website of the International Association of Prosecutors. The aim of this initiative is to share the experience of the various prosecution offices when it comes to prosecuting mass atrocities and to make their insights available to other international prosecutors as well as national prosecutors who are actively participating in the International Association of Prosecutors.

3. Regional training needs assessment

69. The involvement of Office staff members in regional training initiatives is increasingly an important avenue for transferring the Office's expertise to prosecutors and others working on war crimes cases at the national level in the former Yugoslavia. With highly relevant experience and knowledge developed over the past two decades, the Office of the Prosecutor is uniquely placed to provide training to its regional counterparts. In the reporting period, the Office intensified its efforts to ensure the development of a coordinated and effective regional training programme that makes the best possible use of the Office's in-house expertise and lessons learned.

70. In particular, since the Prosecutor's previous report, with the assistance of a senior expert and in close coordination with international partners who share an interest in building the capacity of Bosnia and Herzegovina for war crimes prosecutions, the Office has finalized an assessment of the training needs of personnel in Bosnia and Herzegovina working on war crimes cases. The final report, containing a series of concrete recommendations, has been shared with the Office's primary partners, including OSCE, the European Union and UNDP, and the Office is preparing to disseminate the report to relevant authorities in Bosnia and Herzegovina. The report is already having a positive impact in the region. The report constitutes an additional step towards facilitating a focused discussion on regional training needs. It proposes a coordinated and effective strategy for improving national war crimes proceedings through the creation of a structured and comprehensive training programme with built-in follow-up mechanisms to ensure lasting impact.

71. The Office of the Prosecutor is continuing to engage in dialogue with its partners, in particular the European Union, to determine how the proposals in the report could best be implemented. Capacity-building through regional training programmes is a significant focus of attention for the European Union in the context of the European Union-Bosnia and Herzegovina Structured Dialogue on Justice, which is taking place within the framework of the Stabilization and Association Process. The Office has been participating in meetings convened as part of the Structured Dialogue and welcomes the opportunity to continue its work with the European Union on the regional training component of the Dialogue.

72. The Office hopes that, through the Structured Dialogue and other mechanisms aimed at building capacity, greater progress in implementing the Bosnia and Herzegovina National War Crimes Strategy will be observed in the coming months.

V. Downsizing and preparing for the International Residual Mechanism for Criminal Tribunals

A. Downsizing of posts in the Office of the Prosecutor and support to staff for career transition

73. The Office of the Prosecutor currently has a total of 175 staff members. Several posts will be downsized in the next reporting period. As the size of the staff body decreases, the Office is reorganizing its office space to facilitate the eventual consolidation of all Tribunal operations within one building.

74. The Office actively supports measures to assist staff in making the transition from their work at the Tribunal to the next step in their careers. Many Office staff members have become highly specialized in international criminal investigations and prosecutions but are faced with few opportunities to continue working in this field. The international community has an interest in ensuring that the expertise collected within the Office of the Prosecutor is not lost to future peace, justice and accountability endeavours upon closure of the Tribunal. In this reporting period, the Office facilitated training for its staff members to enable them to become registered members of the Justice Rapid Response roster of personnel available for deployment for investigation commissions. The Office also continues to support the Tribunal's ongoing initiatives to assist staff, such as career counselling, the work of the newly established Career Transition Office and training opportunities, and welcomes efforts to expand the array of support available to staff members.

75. The Office is also taking steps to ensure that appropriate support is made available for its staff members to deal with secondary trauma arising from their work at the Tribunal. Many Office staff members have been exposed to the exceptionally high levels of trauma suffered by victims of the conflict in the former Yugoslavia over prolonged periods of time. The Office recognizes that support mechanisms for its staff members are particularly important in this final phase when staff members are under intense pressure to carry heavier workloads than ever in order to complete the Tribunal's mandate and, at the same time, must prepare to transition to their uncertain working lives beyond the Tribunal.

B. Preparations for the International Residual Mechanism for Criminal Tribunals, The Hague Branch

76. As the commencement of the International Residual Mechanism for Criminal Tribunals, The Hague Branch approaches on 1 July 2013, preparations for the set-up of the Office of the Prosecutor of the Residual Mechanism, The Hague Branch are intensifying. In this reporting period, the Office of the Prosecutor has been involved in extensive recruitment processes to ensure that the core staff for the Office of the Prosecutor, The Hague Branch will be in place in good time for the start of its operations. At the same time, the Office has continued to assist the Residual Mechanism Prosecutor with recruitment processes for the Office of the Prosecutor of the Residual Mechanism, The Arusha Branch. The Office has also had significant involvement in drafting the 2014/2015 budget submission of the Residual Mechanism. More generally, the Office has maintained its consistent dialogue with colleagues in the Office of the Prosecutor of the International Criminal Tribunal for Rwanda and the Office of the Prosecutor of the Residual Mechanism, The Arusha Branch to ensure the coordinated and efficient transitions of functions to the Office of the Prosecutor of the Residual Mechanism in accordance with the transitional arrangements prescribed by the Security Council. Most recently, the Prosecutor and members of his senior management team met with the Prosecutor of the Residual Mechanism and his delegation for extensive discussions on Residual Mechanism matters in April 2013.

77. With a continuously evolving trial and appeal schedule and the prospect that cases formerly slated for conclusion before the Appeals Chamber may be transferred instead to the Appeals Chamber of the Residual Mechanism, planning for the Residual Mechanism will continue to be a complex and challenging exercise.

VI. Conclusion

78. This reporting period marks the twentieth anniversary of the creation of the International Tribunal for the Former Yugoslavia. While it is a time for reflection on past achievements and lessons learned, at the same time, the Office of the Prosecutor is busier than ever with some of the most important cases to come before the Tribunal. The Office remains firmly focused on its present challenges, to ensure that the Tribunal will continue to set the highest standards of international justice until its last case is complete.

79. A critical component of the Tribunal's legacy will be the success of the transition to national prosecutions. In order to ensure that the Tribunal's contribution to peace, justice and reconciliation in the region is successful, more must be done to promote the effective national prosecution of war crimes cases and to increase regional cooperation. In the light of ongoing concerns regarding the investigation and prosecution of national war crimes cases, the Office of the Prosecutor is contributing, to the maximum extent possible, to measures to strengthen local capacities. The Office hopes to see the commitment of resources required for the effective implementation of national war crimes strategies, particularly in Bosnia and Herzegovina, and greater political will to improve regional cooperation on war crimes matters.

80. The next reporting period will see significant further progress towards the completion of the Tribunal's three remaining trials and a significant increase in appellate casework. To ensure the successful completion of its mandate, the Office of the Prosecutor will continue to implement measures to facilitate the efficient progress of the remaining trials and devote resources to manage the effective progress of appeals. The Office will also continue to manage the successful transition of functions to the Office of the Prosecutor of the Residual Mechanism, The Hague Branch.

Enclosures

[Original: English and French]

Enclosure I

A. Trial judgements, 17 November 2012 to 15 May 2013 (by individual)

Name	*Former title*	*Initial appearance*	*Trial judgement*
Ramush Haradinaj	Commander of the Kosovo Liberation Army in the Dukagjin area	14 March 2005	29 November 2012 Acquitted after a partial retrial
Idriz Balaj	Commander of the Kosovo Liberation Army Black Eagles Special Unit	14 March 2005	29 November 2012 Acquitted after a partial retrial
Lahi Brahimaj	Deputy Commander of the Kosovo Liberation Army Dukagjin Operative Staff	14 March 2005	29 November 2012 Acquitted after a partial retrial
Zdravko Tolimir	Assistant Commander for Intelligence and Security, Main Staff, Bosnian Serb Army	4 June 2007	12 December 2012 Sentenced to life imprisonment
Mićo Stanišić	Minister, Internal Affairs, Republika Srpska	17 March 2005	27 March 2013 Sentenced to 22 years of imprisonment
Stojan Župljanin	Head or Commander of the Serb Operated Regional Security Services Centre, Banja Luka	23 June 2008	27 March 2013 Sentenced to 22 years of imprisonment

B. Appeal judgements, 17 November 2012 to 15 May 2013 (by individual)

Name	*Former title*	*initial appearance*	*Appeal judgement*
Milan Lukić	Leader of the "White Eagles"	24 February 2006	4 December 2012 Sentence of life imprisonment confirmed
Sredoje Lukić	Member of a group of local Bosnian Serb paramilitaries in Višegrad	20 September 2005	4 December 2012 Sentence reduced from 30 years to 27 years of imprisonment
Momčilo Perišić	Chief of the General Staff of the Yugoslav Army	9 March 2005	28 February 2013 Acquitted on appeal

Enclosure II

A. Persons on trial as at 15 May 2013

Name	*Former title*	*Initial appearance*	*Start of trial*
Jadranko Prlić	President, Croatian Republic of Herceg-Bosna	6 April 2004	Trial commenced on 26 April 2006
Bruno Stojić	Head of Department of Defence, Croatian Republic of Herceg-Bosna	6 April 2004	Trial commenced on 26 April 2006
Slobodan Praljak	Assistant Minister of Defence, Croatian Republic of Herceg-Bosna	6 April 2004	Trial commenced on 26 April 2006
Milivoj Petković	Deputy Overall Commander, Croatian Defence Council	6 April 2004	Trial commenced on 26 April 2006
Valentin Ćorić	Chief of Military Police Administration, Croatian Defence Council	6 April 2004	Trial commenced on 26 April 2006
Berislav Pušić	Military Police Commanding Officer, Croatian Defence Council	6 April 2004	Trial commenced on 26 April 2006
Vojislav Šešelj	President, Serbian Radical Party	26 February 2003	Trial commenced on 7 November 2007
Jovica Stanišić	Head, State Security Services, Republic of Serbia	12 June 2003	Trial commenced on 9 June 2009
Franko Simatović	Commander, Special Operations Unit, State Security Services, Republic of Serbia	2 June 2003	Trial commenced on 9 June 2009
Radovan Karadžić	President, Republika Srpska	31 July 2008	Trial commenced on 26 October 2009
Ratko Mladić	Commander of the Main Staff of the Bosnian Serb Army	3 June 2011	Trial commenced on 16 May 2012
Goran Hadžić	President, Serbian Autonomous District Slavonia, Baranja and Western Srem	25 July 2011	Trial commenced on 16 October 2012

B. Persons on appeal as at 15 May 2013

Name	*Former title*	*Date of trial judgement*
Vlastimir Đorđević	Assistant Minister of the Serbian Ministry of Internal Affairs and Chief of the Public Security Department of the Ministry of Internal Affairs	23 February 2011
Vujadin Popović	Lieutenant Colonel and Chief of Security of the Drina Corps of the Bosnian Serb Army	10 June 2010
Ljubiša Beara	Colonel and Chief of Security of the Bosnian Serb Army Main Staff	10 June 2010
Drago Nikolić	Second Lieutenant who served as Chief of Security for the Zvornik Brigade of Bosnian Serb Army	10 June 2010
Radivoje Miletić	Chief of Operations and Training Administration of the Bosnian Serb Army Main Staff	10 June 2010
Vinko Pandurević	Lieutenant Colonel and Commander of the Zvornik Brigade of the Drina Corps of the Bosnian Serb Army	10 June 2010
Nikola Šainović	Deputy Prime Minister of the Federal Republic of Yugoslavia	26 February 2009
Nebojša Pavković	Commander of the Third Army of the Yugoslav Army and Chief of the General Staff of the Yugoslav Army	26 February 2009
Vladimir Lazarević	Chief of Staff/Commander of the Priština Corps of the Yugoslav Army; Chief of Staff/Commander of the Third Army of the Yugoslav Army	26 February 2009
Sreten Lukić	Head of the Serbian Ministry of Internal Affairs Staff for Kosovo and Metohij	26 February 2009
Mićo Stanišić	Minister, Internal Affairs, Republika Srpska	27 March 2013
Stojan Župljanin	Head or Commander of the Serb Operated Regional Security Services Centre, Banja Luka	27 March 2013
Zdravko Tolimir	Assistant Commander for Intelligence and Security, Main Staff, Bosnian Serb Army	12 December 2012

C. Persons on trial for contempt as at 15 May 2013

Name	*Former title*	*Date of order (in lieu of indictment)*
Radislav Krstić	Commander of the Drina Corps of the Bosnian Serb Army	27 March 2013

D. Persons on appeal for contempt as at 15 May 2013

Name	*Former title*	*Date of trial contempt judgement*
Vojislav Šešelj	President, Serbian Radical Party	28 June 2012

Enclosure III[a]

Proceedings completed, 17 November 2012 to 15 May 2013

A. Trial judgements rendered, 17 November 2012 to 15 May 2013

1. Haradinaj et al. IT-04-84bis-T (29 November 2012)
2. Zdravko Tolimir IT-05-88/2-T (12 December 2012)
3. Stanišić and Župljanin IT-08-91-T (27 March 2013)

B. Contempt judgements rendered, 17 November 2012 to 15 May 2013

None

C. Appeals from judgements rendered, 17 November 2012 to 15 May 2013

1. Lukić and Lukić IT-98-32/1-A (4 December 2012)
2. Momčilo Perišić IT-04-81-A (28 February 2013)

D. Appeals from contempt judgements rendered, 17 November 2012 to 15 May 2013

1. Šešelj IT-03-67-R77.3-A (28 November 2012)

E. Final interlocutory decisions rendered, 17 November 2012 to 15 May 2013

1. Karadžić IT-95-5/18-AR73.9 (11 December 2012)
2. Karadžić IT-95-5/18-AR73.10 (29 January 2013)

F. Review, referral and other appeal decisions rendered, 17 November 2012 to 15 May 2013

None

[a] Only public decisions are listed in enclosures III and IV.

Enclosure IV

Proceedings ongoing as at 15 May 2013

A. Trial judgements pending as at 15 May 2013

1. Prlić et al. IT-04-74-T
2. Šešelj IT-03-67-T
3. Stanišić and Simatović IT-03-69-T
4. Karadžić IT-95-5/18-T
5. Mladić IT-09-92-T
6. Hadzić IT-04-75-T

B. Contempt judgements pending as at 15 May 2013

1. Krstić IT-95-5/18-R77.3

C. Appeals from judgements pending as at 15 May 2013

1. Šainović et al. IT-05-87-A
2. Popović et al. IT-05-88-A
3. Đorđević IT-05-87/1-A
4. Tolimir IT-05-88/2-A
5. Karadžić IT-95-5/18-AR98bis.1
6. Stanišić and Župljanin IT-08-91-A

D. Appeals from contempt judgements pending as at 15 May 2013

1. Šešelj IT-03-67-R77.4-A

E. Interlocutory decisions pending as at 15 May 2013

1. Mladić IT-09-92-AR73.1
2. Mladić IT-09-92-AR73.2

F. Review, referral and other appeal decisions pending as at 15 May 2013

None

Enclosure V

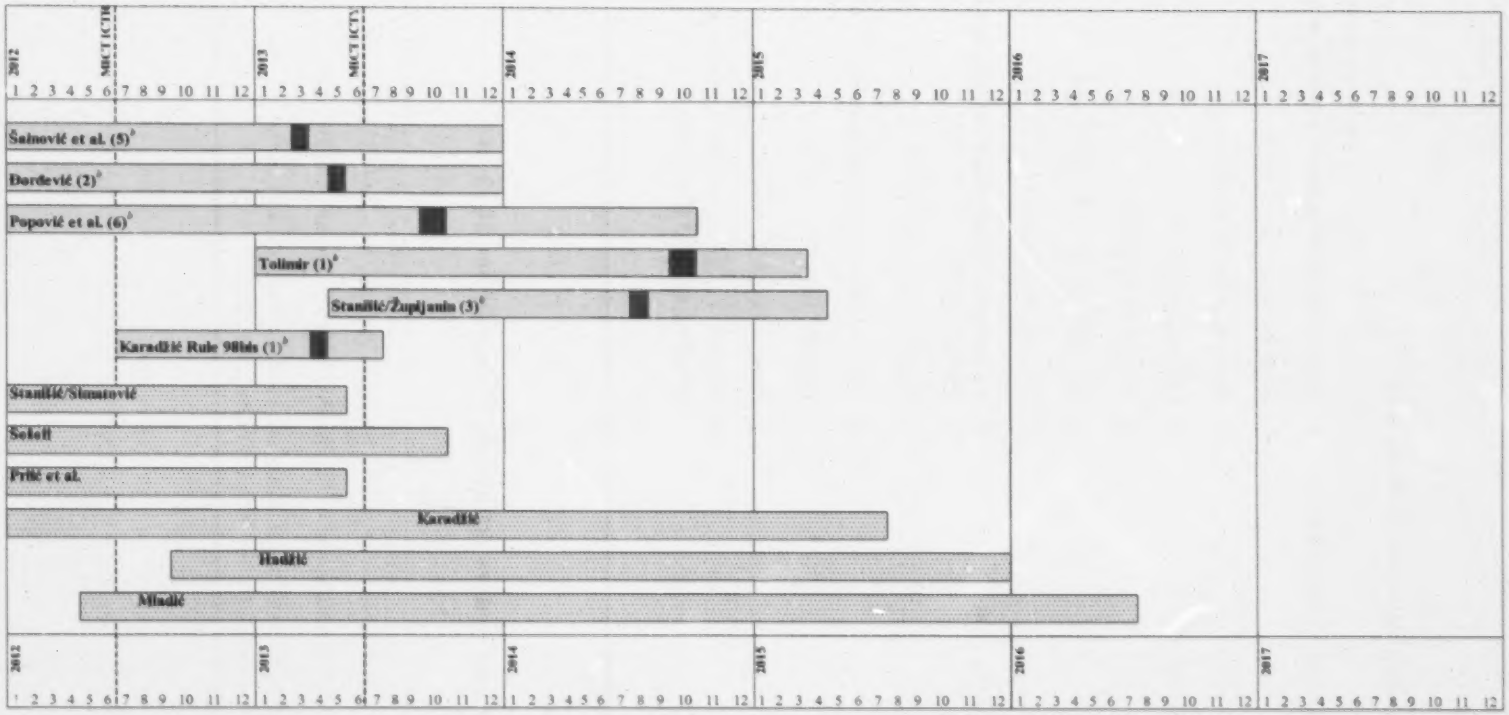
All decisions and orders rendered, 17 November 2013 to 15 May 2013

1. Total number of decisions and orders rendered by the Trial Chambers: 226
2. Total number of decisions and orders rendered by the Appeals Chamber: 38
3. Total number of decisions and orders rendered by the President of the International Tribunal for the Former Yugoslavia: 11

Enclosure VI

Trial and appeal schedule of the Tribunal

Trial and appeal schedule of the International Tribunal for the Former Yugoslavia[a]



Abbreviations: MICT, International Residual Mechanism for Criminal Tribunals; ICTR, International Criminal Tribunal for Rwanda; ICTY, International Tribunal for the Former Yugoslavia.

[a] Contempt matters are not included.

[b] Number of accused/appellants, including the prosecution.